

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v.

No. 2:17-CR-20024-003

JOSE ALONSO GARCIA

DEFENDANT

OPINION AND ORDER

Before the Court are Defendant’s motion (Doc. 182) for extension of time to file objections to the report and recommendations (Doc. 173) filed on March 23, 2022, and motion (Doc. 183) to designate the record on appeal.

On June 3, 2022, Defendant appealed the Court’s order which adopted the March 23, 2022 report and recommendation. As Defendant was previously informed in a June 6, 2022 order (Doc. 178), Defendant’s notice of appeal divests the Court of jurisdiction to grant any motion requesting an extension of time to file objections to the report and recommendations. *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982) (“The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal.”); *see also State ex rel. Nixon v. Coeur D’Alene Tribe*, 164 F.3d 1102, 1106 (8th Cir. 1999) (“While an appeal is pending the district court may not reexamine or supplement the order being appealed.”). Therefore, the Court does not have jurisdiction to grant Defendant’s motion for extension of time.

Defendant’s second motion petitions the Court to enter an order under Federal Rule of Appellate Procedure 10(b) designating the record on appeal. Rule 10(b) provides that, “[w]ithin 14 days after . . . entry of an order disposing of the last timely remaining motion . . . the appellant must . . . order from the reporter a transcript of such parts of the proceedings not already on file as

the appellant considers necessary.” To begin, it is not the duty of the Court to provide Defendant with transcripts for his appeal. Additionally, because the Court’s order ruling on Defendant’s Rule 60(b) and 59(e) motion was entered on June 6, 2022, the deadline for Defendant to order transcripts from the Court’s reporter has passed. Therefore, Defendant’s motion (Doc. 183) will be denied.

IT IS THEREFORE ORDERED that Defendant’s motion (Doc. 182) for extension of time is DENIED.

IT IS FURTHER ORDERED that Defendant’s motion (Doc. 183) for order of designation of record is DENIED.

IT IS SO ORDERED this 28th day of June, 2022.

/s/ P. K. Holmes, III

P.K. HOLMES, III
U.S. DISTRICT JUDGE